

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Deptt- Payment of Rs.1,53,33,879/- in the case in CMAMPNo.2455/2012 in 1292/2012, orders dt:23-01-2013 of High Court of A.P, filed against OPNo.346/2007-Sanction -Accorded - Orders - Issued.

TRANSPORT, ROADS AND BUILDINGS (R.IV) DEPARTMENT

G.O.Rt.No. 363.

Dt:20.03.2014;

Read:

From CE (R&B) CRN & MD, APRDC, Hyd., Lr.No.1765/APSH-7/APSHP/DCE II/DEE1/AE1/AGP/20076, Dt:23.02.2013, 24-06-2013 &03-09-2013.

ORDER:

In the letters read above, the Chief Engineer(R&B) CRN & MD, APRDC, Hyderabad, has stated a CMA Petition No:1292 was filed in the Hon'ble High Court, Hyd., against the Award of the Arbitral Tribunal, in respect of Claims 1 & 3 pertaining to the work of Widening and Strengthening of Warangal-Khammam-Tallada Road under APSHP(7). The CMA valued at Rs.1,19,97,756/-. The Hon'ble High Court has passed an order Dt:23.01.2013 stating that since the claim No.2 wherein the arbitrator has awarded a sum of Rs.34,85,875, has not been challenged and claim Nos. 1 and 3 alone are to be challenged. The Court has stated that there shall be interim stay as far as claim nos. 1 and 3 are concerned subject to condition that the appellant-petitioner deposits half (50%) of the award amount. On such deposit, first respondent i.e., M/s. IJM-Gayatri (JV), is permitted to withdraw the same without furnishing any security. Further the court has stated that so far as claim No.2 is concerned, it is open for the first respondent/claimant to execute the award in accordance with law.

2. He has also stated that the contractors M/s. IJM-Gayatri (JV) have requested, for making payment as per the order of the Hon'ble High Court. The Contractors have also stated that on any further delay in payment of the above amount as ordered by the Hon'ble High Court of AP, the Govt. will be incurring by way of infructuous expenditure of Rs.88,346,68 for 30 days.

3. The Chief Engineer(R&B) CRN & MD, APRDC, Hyderabad, has therefore, requested the Government to accord sanction, for an amount of Rs.1,53,33,879/- to implement the orders of Hon'ble High Court of AP., Hyd., in the case in CMAMPNo.2455/2012 in 1292/2012 dt:23.01.2013, filed against OPNo.346/2007 and to continue the stay granted by the Hon'ble High Court.

4. Government, after careful examination of the matter, hereby accord sanction, for an amount of Rs.1,53,33,879/-(Rupees one crore fifty three lakhs thirty three thousand eight hundred and seventy nine only) to implement the orders of Hon'ble High Court of A.P, Hyd., in the case in CMAMPNo.2455/2012 in 1292/2012 dt:23.01.2013, filed against OPNo.346/2007 and to continue the stay granted by the Hon'ble High Court.

5. The amount sanctioned in Para (4) above, shall be debited to the Head of Account-MH 5054-Capital Outlay on Roads and Bridges, 04-District and Other Roads-MH 800-Other Expenditure-GH 11- Normal State Plan-SH (33)-Corenet work Roads-530-Major works-531-Other Expenditure (Charged) and shall initially be met by way of an advance from Contingency Fund, orders regarding which will be issued separately by Finance (BG.I) Dept.

(P.T.O)

6. The Chief Engineer(R&B) CRN & MD, APRDC., Hyderabad, shall draw the amount sanctioned at para (4) above and deposit the Hon'ble Court, in the subject case, under intimation to the Govt.

7. The CE (R&B) CRN & MD, APRDC., Hyd., is also requested to take action for obtaining supplementary grant at appropriate time during the current financial year 2013-2014 towards recoupment of the advance drawn from Contingency Fund.

8. This order issues with the concurrence of Finance Deptt, vide their U.O.No.5653/258/Expr-PW-II/2014, dt:10.03.2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Engineer (R&B) CRN & MD, APRDC, Hyderabad.

Copy to:

The Accountant General, A.P, Hyderabad.

The Pay & Accounts Officer, A.P., Hyderabad.

The Director of Work & Accounts, A.P., Hyderabad.

The P.S to Prl. Secy., R&B.

The Finance (Expr.PW-II/ BG.I) Deptt.

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER